

Request for Reconsideration

Applicants respectfully request reconsideration of the final rejection. By way of background, the Examiner maintained his rejected of claims 1, 3, 4, 8-11, 13-15 and 23 under 35 U.S.C. §103(a) as being unpatentable over Heinen et al. (U.S. Patent No. 4,768,199) in view of Matsumoto (U.S. Patent No. 5,849,204). Specifically, in response to Applicants' arguments, the Examiner states as follows:

As the examiner understands it, a surface of the substrate 2 on which the laser 7 is located/deposited is the reference surface. This surface is not labeled. The surface of the substrate 2 is flat. The mesa projects outwardly from the flat reference surface thereby creating the claimed sides at 8/9 that extend outwardly.

Therefore, the Examiner's position is that the top surface of substrate 2 is the reference surface, and the sides of the mesa are the sides that are beveled outwardly from the reference surface.

In reply, although Applicants now understand the Examiner's argument more clearly, they nevertheless respectfully disagree with the Examiner's interpretation for a number of alternative reasons. First, given the Examiner's interpretation above, the sides of the mesa are construed as the sides 8/9 of the claimed invention. Such an interpretation, however, is improper because the claimed invention clearly recites that sides 8/9 *are the sides of the substrate*. In other words, the Examiner's interpretation requires construing the mesa *as* the substrate in Heinen. This is contrary to convention. Indeed, even Heinen refers to the substrate and mesa as discrete components as set forth below:

Referring firstly to FIG. 1, a laser chip 2 is provided formed essentially of a semiconductor substrate member 3, on an upper surface 4 of which is a mesa ridge 5.

Col. 3, ll. 63-65. Therefore, Heinen refers to the mesa as being on top of the substrate. In light of Heinen and conventional thinking, it is improper for the Examiner to construe the sides of the mesa as being the sides of the substrate.

Second, despite the Examiner's interpretation, the sides of Heinen do not extend outwardly as claimed. Rather, they extend inwardly from the reference surface, i.e., toward the center of the component.

Applicants submit that the arguments raised above are not based on mere semantics, but raise legitimate concerns of claim interpretation. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims. An early Notice of Allowance is earnestly solicited.

Respectfully submitted,

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